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December 21, 2017

Ex Parte

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Deployment, WT Docket No. 17-79; Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Deployment, WT Docket No. 17-84

Dear Ms. Dortch:

On December 19, 2017, Will Johnson, Tamara Preiss, and Andy Lachance of Verizon met with Commissioner Carr and his legal advisor Nirali Patel to discuss issues raised in the above-referenced proceedings. Consistent with our comments and reply comments, we explained how the Commission can speed wireless broadband deployment and pave the way for enhanced 4G and 5G networks by removing impediments to wireless facility siting.

We discussed actions the Commission should take to promote access to state and local rights-of-way and municipally owned poles, and to speed local zoning processes. The Commission should clarify that Sections 253 and 332(c)(7) of the Communications Act¹ bar state or local actions that erect substantial barriers to wireless facilities deployment, and that fees for access to rights-of-way and municipal poles that exceed cost violate Sections 253(a) and (c). We also asked the Commission to adopt a 60-day shot clock for acting on small cell applications and to deem applications granted when the applicable Section 332(c)(7) shot clock expires without action.

We also discussed barriers associated with historic preservation, including tribal, reviews. First, we discussed the Commission's authority to determine that some wireless facility deployment is not a "federal undertaking" and therefore does not require any historic preservation review. We explained that the Commission can use this authority to find that its involvement in the deployment of small cells is minimal and therefore not a federal undertaking.

¹ 47 U.S.C. §§ 253, 332(c)(7).

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Second, to address unreasonably long and costly tribal reviews, we urged the Commission to adopt a 30-day shot clock for tribal reviews and to clarify that tribal fees are not appropriate for initial tribal reviews.

Last, we discussed the Commission's authority to adopt several exclusions from historic preservation reviews. The Commission should adopt exclusions for: (1) tribal reviews for small cells that involve no new ground disturbance; (2) certain new construction in transportation rights-of-way; (3) tribal reviews for new construction in rights-of-way and commercial zones; and (4) small cells located more than 50 feet from a historic district.

Sincerely,

A handwritten signature in black ink, reading "André J. Lachance". The signature is written in a cursive style with a large, stylized 'A' and 'L'.

cc: (via e-mail)
Commissioner Carr
Narali Patel